HONOURABLE SRI JUSTICE C.V. RAMULU

W.P.No.24671 of 1999

DATED 29th JULY, 2005

BETWEEN:

Samudrapu Srihari, S/o.Ramulu,

Hindu, aged about 26 years, R/o.D.No.36-43-13,

Zeerivari Street, Innispet, Rajahmundry

.. Petitioner

AND

Godavari Grameena Bank,

Rep. By its General Manager,

46-22-15, Danavaipeta,

Rajahmundry – 533 103.

.. Respondent

HONOURABLE SRI JUSTICE C.V. RAMULU

W.P.No.24671 of 1999

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondent in terminating the service of the petitioner w.e.f. from 20.3.1998 as arbitrary and illegal and consequently to direct the respondent to reinstate the petitioner into service with all

consequential and attendant benefits.

Though the writ petition is filed questioning the termination order purported to have been passed on 20.3.1998, the grievance of the petitioner is that despite the engagement of his juniors in the respondent-bank, he is not being engaged, as such, the respondent has violated the provisions of Section 25(H) of the Industrial Disputes Act, 1947. Further, the respondent has not denied the fact that the petitioner worked for more than 90 days in the organization. Under similar circumstances, a writ petition was filed before this Court which attained finality in W.A.No.283 of 1999, dated 9.8.1999 with the following observation:

> *"The learned counsel for the appellants stated that the respondents are not ready and willing to comply with the provisions of Section 25(H) of the Industrial Disputes Act. According to the respondents, the appellants are not entitled to the said relief. No order has been passed to the effect that they are not entitled to the said relief, nor is there any material on record to show that the appellants are not entitled to the said relief. In the circumstances, the respondents are directed to comply with the provisions of Section 25(H) of the Industrial Disputes Act. With the above observation, the appeal is disposed of. No costs."*

The learned counsel for the respondent has agreed that they do not have any objection for a similar order to be passed in this writ petition also.

In view of the same, this writ petition is disposed of in the light of the judgment, dated 9.8.1999 passed in W.A.No.283 of 1999. No order as to costs.

(C.V. RAMULU, J.)

29th July, 2005

bcj